

New to this Office Action, the Examiner addresses Applicants' arguments provided in the November 22, 2004 Response. In response to Applicants' argument that the references fail to show certain features of applicant's invention, the Examiner states that the features upon which Applicants rely (i.e., in order to save on battery energy) are not recited in the rejected claims. Applicants again note that the feature not disclosed by Byrne is "activating the search means on the occurrence of the *programmed* triggering events" as provided on page 2 of the November 22, 2004 Response. The reference to the saving of battery energy in Applicants' November 22, 2004 Response was meant to describe the benefits of this particular claimed feature.

In conjunction with this feature, the Examiner states that in the rejection, it has been explained how Byrne meets the claimed invention. For purposes of clarification, the Examiner provides that the triggering events are a predetermined criterion, for example, when the user activates the terminal, hence the CCT (Step 301, Fig. 3). The Examiner states that on the occurrence of these triggering events, the search function (monitoring) is activated (Step 304, Fig. 3). Again, Applicants respectfully disagree that a user activating a terminal is a "*programmed* triggering event."

In the Byrne device, the available radio systems are constantly monitored, or at least intermittently monitored (see col. 5, lines 8 and 9). In this context, and according to the teaching of Byrne, the cited predetermined criterion by the Examiner is used to select among the radio systems already detected (see col. 3, lines 42-51; col. 4, lines 46-57). Byrne does not disclose initiating a search based on a programmed triggering event.

Regarding claim 3, the Examiner states that Byrne discloses a terminal, wherein the triggering event is a predefined sequence of keystrokes associated with a command of the terminal other than the command which switches the communication means to operate with a preferred local network (citing col. 3, lines 47-53; col. 4, lines 33-38, and alleging that the user is able input into the terminal a decided predetermined criteria corresponding to triggering events).

Again, for the same reasons as above, the predetermined criterion that the Examiner cites are used to select among the radio systems already detected. This is not suggestive of initiating a search based on a triggering event. Therefore, Applicants again submit that claim 3 is allowable for this feature as well. Likewise for the triggering event recited in dependent claim 8.

Claims 4, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Byrne in view of Van Der Salm (U.S. Patent No. 6,343,220) further in view of Dalsgaard et al.

First, claims 4, 9, and 10 are allowable at least based on their dependency of claim 1. Further, each of these claims recite the triggering event feature which is not included in Byrne for the reasons discussed above. Also, as Applicants previously argued in prior Responses, both Dalsgaard et al. and Van Der Salm are silent with respect to a triggering event. As such, the combination of these references would not have been obvious.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/754,212

Attorney Docket No. Q62416

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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